

Application No. 09/582,049

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application	:	Group Art Unit: 1754	OCT 28 2005
Garnier, et al.	:		
Serial Number: 09/582,049	:	Examiner: Nguyen, Ngoc Yen M.	
	:		
Filed: September 1, 2000	:	Attn. Docket No.: Garnier-1	
	:		
Title: Silicon Refining Method and Installation	:	Date: October 28, 2005	
	:		
	:		

**Mail Stop Petition
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

RENEWED PETITION UNDER 37 CFR 1.137(b)

Sir:

This paper requests reconsideration of the decision dated June 28, 2005, dismissing the petition under 37 CFR 1.137(b), filed on May 23, 2005, to revive the above-captioned application. A petition for a two (2) extension of time to extend the due date for requesting reconsideration of the decision to October 28, 2005, is included herewith.

The decision states that the petition under 37 CFR 1.137(b), filed on May 23, 2005, to revive the above-captioned application (the petition to revive) was dismissed because it lacked the requisite reply under 37 CFR 1.113, e.g., a request for continued examination (RCE), an amendment that *prima facie* placed the application in condition for allowance, or a Notice of Appeal.

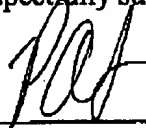
In order to correct this deficiency, submitted herewith is an RCE and an amendment and response to the Office Action dated September 10, 2002. These papers meet the reply requirement under 37 CFR 1.113. Also submitted herewith is a copy of the petition to revive filed on May 23, 2005.

In view of the foregoing, reconsideration of the decision dated June 28, 2005, dismissing the petition under 37 CFR 1.137(b), filed on May 23, 2005, to revive the above-captioned application, is respectfully requested.

Application No. 09/582,049

The Commissioner is hereby authorized to charge payment of any filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,



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(609) 631-2446 (phone)
(609) 631-2401 (fax)

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**
**Docket No.
Garnier-1**
In Re Application Of: Garnier

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/582,049	9/18/2000	Ngoc Yen M. Nguyen	28581	1754	6845

Invention: SILICON REFINING METHOD AND INSTALLATION

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: _____

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

OCT 28 2005

Docket No.
Garnier-1In Re Application Of: **Garnier**Application No.
09/582,049Filing Date
9/18/2000Examiner
Ngoc Yan M. NguyenCustomer No.
28581Group Art Unit
1754Confirmation No.
6845Invention: **SILICON REFINING METHOD AND INSTALLATION****Calculation and Payment of Fees**

Enclosed are the following fees:

6. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$1,500.00
7. ☐ Fee for amendment in the amount of: _____
8. ☒ Fee for extension of time to respond to Office Action in the amount of: \$1,020.00
9. ☐ Issue fee in the amount of: _____
10. ☐ Continuing application filing fee in the amount of: _____
11. ☐ Terminal disclaimer fee in the amount of: _____
12. ☐ _____
- Total fees enclosed: \$2,520.00

The fee of **\$2,520** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **50-2061**
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

OCT 20 2005

**Petition For Revival Of An Application For Patent Abandoned
 Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

 Docket No.
 Garnier-1

In Re Application Of: Garnier

Application No. 09/582,049	Filing Date 9/18/2000	Examiner Ngoc Yen M. Nguyen	Customer No. 28581	Group Art Unit 1754	Confirmation No. 6845
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Invention: SILICON REFINING METHOD AND INSTALLATION

Calculation and Payment of Fees

Enclosed are the following fees:

- | | |
|--|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$1,500.00</u> |
| 7. <input type="checkbox"/> Fee for amendment in the amount of: | <u> </u> |
| 8. <input checked="" type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u>\$1,020.00</u> |
| 9. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of: | <u> </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
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Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.
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Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
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☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: _____

2. ☐ The issue fee:

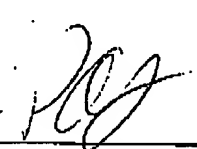

☐ is enclosed. ☐ was paid on _____

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

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5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)					Docket No. Garnier-1	
In Re Application Of: Garnier						
Application No. 09/582,049	Filing Date 9/18/2000	Examiner Ngoc Yen M. Nguyen	Customer No. 28581	Group Art Unit 1754	Confirmation No. 6845	
Invention: SILICON REFINING METHOD AND INSTALLATION						
Statement						
The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.						
<div style="text-align: center;"> Signature</div> <div>Paul A. Schwarz Reg. No. 37,577 Duane Morris LLP P.O. Box 5203 Princeton, NJ 08543-5203 609-631-2446</div>						
CC:			<div style="text-align: right;">Dated: 5/20/2005</div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"><div>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 5/20/2005 (Date)  Signature of Person Mailing Correspondence Susan Barlett Typed or Printed Name of Person Mailing Correspondence</div></div>			

Instruction Sheet for RCEs

(not to be submitted to the USPTO)

NOTES:

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date.

Filing Qualifications:

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, a design application, or a patent under reexamination. See 37 CFR 1.114(e).

Filing Requirements:

Prosecution in the application must be closed. Prosecution is closed if the application is under appeal, or the last Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office action under *Ex parte Quayle*). See 37 CFR 1.114(b).

A submission and a fee are required at the time the RCE is filed. If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

WARNINGS:

Request for Suspension of Action:

All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

Improper RCE will NOT toll Any Time Period:

Before Appeal - If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. No additional time will be given to correct the improper RCE.

Under Appeal - If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

See MPEP 706.07(h) for further information on the RCE practice.